



IT IS ORDERED

Date Entered on Docket: June 26, 2015

The Honorable David T. Thuma  
United States Bankruptcy Judge

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UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW MEXICO

In re:

ROMAN CATHOLIC CHURCH OF THE  
DIOCESE OF GALLUP, a New Mexico  
corporation sole,

Debtor.

Jointly Administered with:

BISHOP OF THE ROMAN CATHOLIC  
CHURCH OF THE DIOCESE OF GALLUP,  
an Arizona corporation sole.

This pleading applies to:

- ☒ All Debtors.  
☐ Specified Debtor.

Chapter 11

Case No. 13-13676-t11

**Jointly Administered with:**

Case No. 13-13677-t11

**AMENDED<sup>1</sup> ORDER GRANTING MOTION TO (I) RETAIN BROKERS; (II) SELL  
PROPERTY UNDER 11 U.S.C. § 363(b), (f), AND (m); AND (III) APPROVE SALE  
PROCEDURES**

This matter came before the Court on the “Motion to (I) Retain Brokers; (II) Sell  
Property Under 11 U.S.C. § 363(b), (f), and (m); and (III) Approve Sale Procedures,” [Dkt. No.

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<sup>1</sup> Amended solely for the purpose of attaching Exhibit “1” which was inadvertently omitted from the “Order Granting Motion to (I) Retain Brokers; (II) Sell Property Under 11 U.S.C. § 363(b), (f), and (m); and (III) Approve Sale Procedures” entered at Dkt. No. 392.

383] (the “**Motion**”) filed by Roman Catholic Church of the Diocese of Gallup (“**RCCDG**”) and the Bishop of the Roman Catholic Church of the Diocese of Gallup (the “**Arizona Entity**,” and collectively with RCCDG, the “**Debtors**”).

The Motion and the “Notice of Objection Deadline Regarding ‘Motion to (I) Retain Brokers; (II) Sell Property Under 11 U.S.C. § 363(b), (f), and (m); and (III) Approve Sale Procedures’” [Dkt. No. 384] (the “**Notice**”) were duly served upon all parties entitled to receive notice pursuant to the certificate of service attached to the Notice, alerting creditors and parties-in-interest that if they wished to object to the Motion, objections must be filed on or before the date that was twenty-one (21) days after the date the Notice was mailed, plus three (3) days for service. That date passed on June 11, 2015. Through stipulation of the parties, St. Bonaventure Indian Mission and School, Inc. (“**St. Bonaventure**”), which alleges an interest in the property described on Exhibit “1” hereto (the “**Disputed Property**”), was given an extension of time until June 13, 2015. The Disputed Property was not included in the Sale Assets<sup>2</sup> that are the subject of the Motion; however, in the Motion, the Debtors reserved the right to add property to the category of Sale Assets. The Debtors dispute that St. Bonaventure has any interest in the Disputed Property. The Debtors and St. Bonaventure wish to reserve all their rights and arguments with respect to the interests they assert in the Disputed Property.

No objections to the Motion were filed, although the Zuni Tribe of the Zuni Indian Reservation filed a letter [Dkt. No. 388] inquiring whether the Motion would affect any of its rights. The rights of the Zuni Tribe are unaffected by the Motion and this Order.

St. Bonaventure stipulates to this form of Order.

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<sup>2</sup> Terms not herein defined shall have the meaning ascribed to them in the Motion.

Based upon the good cause shown in the Motion, the attachments thereto, and the entire record before the Court in this case,

IT IS HEREBY ORDERED:

- A. Granting the relief requested by the Debtors in the Motion;
- B. Prohibiting Debtors from adding any of the Disputed Property to the Sale Assets absent further order of the Court, which the Debtors may seek after providing at least seven (7) days' notice to St. Bonaventure of their intent to add Disputed Property to the Sale Assets, and as to which all rights and remedies of the parties are expressly preserved;
- C. Authorizing the employment of TRT and AMG as brokers for the Debtors effective as of the date of filing the Motion;
- D. Authorizing the Debtors to pay TRT and AMG the sum of \$45,000 or such lesser cost as may be the actual expense of marketing the Sale Assets;
- E. Authorizing TRT and AMG to retain a Buyer's Premium from the auction sale that represents 10% of the sale price of each of the Sale Assets;
- F. Approving the procedures set forth in the Motion, including Exhibit "B," as necessary and appropriate for conducting the sale of the Sale Assets;
- G. Authorizing the Debtors to sell the Sale Assets free and clear of any liens, claims, or interests, to the extent any exist; and
- H. Requiring the Debtors to submit the results of the auction within three (3) business days of completion of the auction, at which time the Debtors may ask the Court to grant the successful bidders the protections of 11 U.S.C. § 363(m) reserved for good faith purchasers.

**XXX END OF ORDER XXX**

Submitted by:

/s/ Elizabeth S. Fella

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